

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS**

DS SMITH PLASTICS LIMITED and	)	
RAPAK, LLC,	)	
	)	
Plaintiffs,	)	Civil Action No. 1:15-cv-05760
	)	
v.	)	Judge Gary Feinerman
	)	
PLASCON PACKAGING, INC.,	)	Magistrate Daniel G. Martin
BRINKER INTERNATIONAL, INC.,	)	
and THE WASSERSTROM	)	
COMPANY.	)	
	)	
Defendants.	)	
	)	

---

**STIPULATION OF DISMISSAL**

---

Plaintiffs/Counter-defendants DS Smith Plastics Limited and Rapak, LLC (“Plaintiffs”) and Defendants/Counter-claimants Plascon Packaging, Inc., Brinker International, Inc., and The Wasserstrom Company (“Defendants”) hereby stipulate as follows pursuant to Rule 41(a)(1)(A) of the Federal Rules of Civil Procedure:

- (1) The claims asserted by Plaintiffs in their Complaint in this case against Defendants shall be dismissed in their entirety, with prejudice pursuant to the terms of the settlement agreement executed by the Parties;
- (2) The counterclaims asserted by Defendants in their Answers and Counterclaims in this case against Plaintiffs shall be dismissed in their entirety, with prejudice pursuant to the terms of the settlement agreement executed by the Parties; and
- (3) Each party shall bear its own costs and attorneys’ fees.

Dated: August 19, 2016

Respectfully submitted,

/s/ Peter J. McAndrews

Peter J. McAndrews  
David Z. Petty  
MCANDREWS, HELD & MALLOY, LTD.  
500 West Madison St., 34<sup>th</sup> Floor  
Chicago, IL 60661  
(312) 775-8000  
pmcandrews@mcandrews-ip.com  
dpetty@mcandrews-ip.com

*Attorneys for Plaintiffs*

/s/ Douglas P. LaLone

Douglas P. LaLone  
Michael T. Fluhler  
Fishman Stewart PLLC  
39533 Woodward Avenue, Suite 140  
Bloomfield Hills, MI 48304  
Tel: (248) 594-0600  
Fax: (248) 594-0610  
DLaLone@fishstewip.com  
MFluhler@fishstewip.com

Colby A. Kingsbury (IL6272842)  
Faegre Baker Daniels LLP  
311 S. Wacker Drive, Suite 4300  
Chicago, Illinois 60606  
Tel.: (312) 212-6500  
Fax: (312) 212-6501  
Colby.Kingsbury@FaegreBD.com

*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that on August 19, 2016 a copy of the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system, which sent notification of such filing to all counsel of record in this case.

/s/ Violet Tovar  
Paralegal  
McAndrews, Held & Malloy, Ltd.